IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.08 OF 2006

Shri Babaso Ghudu Khagwade ...Appellant
Vs.
Shri Sadashi Shankar Lohar & Ors. ...Respondents

Shri A.M. Kulkarni for the Appellant.
None for the Respondents.

CORAM : A. S. OKA, J.
DATE : MARCH 08, 2006.

P.C.:

1. Heard Shri Kulkarni appearing for the Appellants. Second Appeal is admitted on following substantial questions of law:

(i) Whether the Appellate Court failed to notice that the presumption available in law as regards service of notice sent under certificate of posting was not rebutted by the Respondents-Defendants?

(ii) Whether the Appellate Court committed an error by holding that survey and measurement carried out by Survey Officer under the Maharashtra Land Revenue Code, 1966 was not challenged by the Respondent by preferring Nimtana Appeal nd therefore, decree for removal of encroachment could have been passed on the basis of such

survey?

2. Printing is dispensed with. The Appellant is directed to file a private paper-book alongwith sufficient number of copies thereof within a period of six months from today. If the paper-book is not filed within the stipulated period, the Appeal will stand dismissed for want of prosecution without further reference to the Court.

JUDGE